

REMARKS/ ARGUMENTS

The foregoing amendment and the following arguments are provided to impart precision to the claims, by more particularly pointing out the invention, rather than to avoid prior art.

35 U.S.C. § 102(b) Rejections

Examiner rejected claims 1-30 under 35 U.S.C. § 102(b) as being anticipated by E.P. Patent 0 381 885 (hereinafter "Gagliardo").

"To anticipate a claim, the reference must teach every element of the claim. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (Manual of Patent Examining Procedures (MPEP) ¶ 2131.)

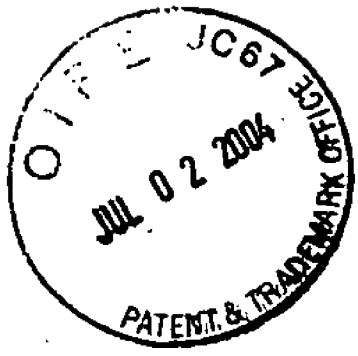
Independent claims of the present application include limitations not disclosed or taught by Gagliardo. As a result, applicant's independent claims are not anticipated by Gagliardo.

In particular, applicant's independent claims include the limitation, or limitation similar thereto, of:

reading data from a nonvolatile destructive read memory location;  
determining if the data read is corrupt; and  
writing a failure codeword in the memory location if the data read is corrupt, wherein the failure codeword is chosen so that its mathematical distance from all correctable data patterns of the error correction code is greater than the minimum distance of the error correction code. (Applicant's independent claim 1.)

Gagliardo does not disclose nor suggest the limitations as claimed in applicant's independent claims of the present application. As a result, applicant's independent claims are not anticipated by Gagliardo.

Applicant's remaining claims depend from at least one of the independent claims discussed above, and therefore include the distinguishing limitations of the independent claims. As a result, applicant's remaining claims are also patentable over Gagliardo.



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CONCLUSION

Applicants respectfully submit the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call John Ward at (408) 720-8300, x237.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: \_\_\_\_\_

6/29/04

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